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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/071,301

02/08/2002

Eiji Hamamoto

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38834 7590 02/05/2007
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EXAMINER

HON, SOW FUN

ART UNIT

PAPER NUMBER

1772

MAIL DATE

DELIVERY MODE

02/05/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/071,301

Applicant(s)

HAMAMOTO ET AL.

Examiner

Sow-Fun Hon

Art Unit

1772

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 17 January 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: None.
Claim(s) objected to: None.
Claim(s) rejected: 1,3,5-15 and 17-24.
Claim(s) withdrawn from consideration: None.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See attachment to advisory action.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☒ Other: Attachment to advisory action and PTO-892.

Advisory Action

1. The amendment of method claim 13 by incorporating the subject matter of claim 16, places the product in product claim 1 into said method claim 13. Hence no new issues are raised. In the event of an appeal, Applicant is advised to make it clear that the subject matter of claim 16, now incorporated into claim 13, was addressed in the Office action dated 10/17/06.
2. The request for reconsideration dated 01/17/07 has been fully considered and deemed unpersuasive for the reasons set forth below.
3. Applicant argues that Buzzell is completely silent about using a crosslinking agent in an adhesive layer, since Buzzell refers to the use of a crosslinking agent a catalyst only when using PVA as one material for producing a basic nitrogen-containing polymer.

Applicant is respectfully apprised that it is the primary reference of Ishizaki that teaches the boric acid agent in the adhesive (aqueous solution of a boron compound as the adhesive material, purpose, boron compound refers more specifically to boric acid, constitution), wherein the adhesive does not comprise polyvinyl alcohol. While Ishikawa fails to explicitly teach that boric acid is deemed to be inherently a crosslinking agent, Ishikawa teaches that the boric acid solution functions as an adhesive, and is applied to the surface of a polyvinyl alcohol film with the application of heat (system, abstract), which means that boric acid carries out some form of reaction with the application of heat. The fact that boric acid is inherently a crosslinking agent that carries out a crosslinking reaction, is disclosed by Applicant (original claim 3). Ishizaki fails to teach

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the use of a catalyst with the boric acid crosslinking agent. However, this is well known in the art as evidenced by Buzzell. Buzzell is the secondary reference that explicitly teaches that boric acid is inherently a crosslinking agent that carries out a crosslinking reaction (column 5, lines 40-50), and teaches that a catalyst is used with the boric acid crosslinking agent, for the purpose of aiding the crosslinking reaction (for the crosslinking reaction, column 5, lines 71-76).

4. Applicant argues that Buzzell teaches that the catalyst is only added to the crosslinking agent in the mordanting layer, which is different from the adhesive layer in Buzzell, and thus does not provide any guidance regarding any purposes and/or effectiveness of a catalyst in an adhesive layer such as the one in Ishizaki.

Applicant is respectfully apprised that as discussed above, the primary reference Ishizaki, teaches that the adhesive layer contains the boric acid, which is inherently a crosslinking agent, and that the secondary reference Buzzell specifies that boric acid is a crosslinking agent which carries out a crosslinking reaction, wherein a catalyst is used with it to aid the crosslinking reaction (column 5, lines 40-50, 71-76).

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Any inquiry concerning this communication should be directed to Sow-Fun Hon whose telephone number is (571)272-1492. The examiner can normally be reached Monday to Friday from 10:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon, can be reached at (571)272-1498. The fax phone number for the organization where this application or proceeding is assigned is (571)273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

S. Hon

Sow-Fun Hon

01/31/07

Nasser Ahmad
NASSER AHMAD
PRIMARY EXAMINER *2/1/07*